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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/910,927

07/24/2001

Felix Henry

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3539

5514

7590

08/19/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LAROSE, COLIN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,927

Applicant(s)

HENRY ET AL.

Examiner

Colin M. LaRose

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2.5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Information Disclosure Statement

2. The information disclosure statement filed 24 July 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered:

German Patent 35 18 301 A1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,638,498 by Tyler et al. ("Tyler").

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Regarding claims 1 and 7, Tyler discloses a method (figure 13, executed by the device 26 in figure 2) for alerting during the progressive decoding of a digital image coded with a region of interest (ROI), characterised in that it includes the stages of:

detection of the end of the decoding of the said region of interest (block 310 detects whether a region of interest has finished decoding), and

activation of an indication of the end of decoding of the said region of interest (block 310: if the end of decoding the region of interest is detected, then an indication of "YES" is activated).

Regarding claims 2 and 8, Tyler discloses the method according to claim 1 characterised in that it further includes the stages of:

activation of an indication of the start of decoding of the said region of interest (block 302 activates an indication of "YES" for the start of decoding the region of interest), and

activation of an indication of the progress of the decoding of the said region of interest (block 306: as the region of interest is decoded, it is outputted and displayed, thereby providing a visual indication of the progress of the decoding).

Regarding claims 3 and 9, Tyler discloses a method according to claim 1 or 2, characterised in that it further includes the stages of:

activation of an indication of decoding of the coded data of the image which are not in the said region of interest (block 310 detects when the region of interest has finished decoding; after decoding, the descriptors for another region are loaded at block 312; and the program flow

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continues to block 302, which activates an indication of “YES” when to start the decoding of the “another” region), and

activation of an indication of the end of decoding of the coded data of the image which are not in the said region of interest (block 310: if the end of decoding the “another” region is detected, then an indication of “YES” is activated).

Regarding claims 4 and 10, Tyler discloses a method according to claim 1 or 2, characterised in that the indication is a display of information data on a screen (figure 1: CRT 18).

Regarding claims 5 and 11, Tyler discloses a data receiving method/device incorporating the alerting method according to claim 1 or 2 (figures 1-3).

Regarding claims 6 and 12, Tyler discloses a method/device for progressive decoding of a digital image coded with a region of interest, incorporating the alerting method according to claim 1 or 2 (figures 1-3).

Regarding claim 13, Tyler discloses a device according to claim 7 or 8 characterised in that the detection and activation means are incorporated into:

a microprocessor (26, figure 2);

a read-only memory (30, figure 2) including a program for processing the data, and

a random-access memory (28, figure 2) including registers suitable for registering variables modified in the course of the running of the said program.

Regarding claim 14, Tyler discloses an apparatus for processing a digital image, characterised in that it includes means suitable for implementing the method according to claim 1 or 2 (figure 1).

Regarding claim 15, Tyler discloses an apparatus for processing a digital image, characterised in that it includes the device according to claim 7 or 8 (figure 1).

Regarding claim 16, Tyler discloses a storage medium storing a program for alerting during the progressive decoding of a digital image coded with a region of interest according to claim 1 (ASIC, figure 2a).

Regarding claim 17, Tyler discloses a storage medium according to claim 16, characterized in that it is detachably mountable on a device according to claim 7 or 8 (i.e. ASICs are detachable integrated circuit chips).

Regarding claim 18, Tyler discloses a storage medium according to claim 16, characterized in that it is a floppy disk or a CD-ROM (column 6, line 4: Tyler discloses the use of a floppy disk).

Regarding claim 19, Tyler discloses a computer program on a storage medium and comprising computer executable instructions for causing a computer to alert during the progressive decoding of a digital image coded with a region of interest according to claim 1 or 2 (i.e. Tyler discloses implementing the method in software).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 5,128,776 by Scorse et al.

U.S. Patent 5,991,816 by Percival et al.

U.S. Patent 6,314,452 by Dekel et al.

U.S. Patent 5,432,871 by Novik

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

CML
Group Art Unit 2623
16 August 2004

A handwritten signature in black ink, appearing to read 'Colin M. LaRose', with a large circular flourish at the beginning.